

FCO 2007-III

AN ORDINANCE REGULATING UNRESTRAINED DOGS

BE IT ORDAINED that:

SECTION 1. DEFINITIONS:

The following word and phrases are hereby defined and shall be construed as hereinafter set forth, unless the context clearly indicated to the contrary.

- (A) "At large" means off the premises of the owner, and not under the direct control of the owner, or a member of his or her immediate family or other responsible person, by means of voice, leash, cord, chain, or other such restraint.**
- (B) "Dog" means any animal of the species *Canis lupus familiaris*, of either or no sex and any age.**
- (C) "Owner" means any person who has a right or property interest in a dog, who harbors a dog, who has a dog in his or her care, or who permits a dog to remain on or about the property or premises occupied by such person.**
- (D) "County" means Floyd County, Indiana.**
- (E) 'License' means a dog license issued to a dog owner under the laws and ordinances of Floyd County, Indiana.**
- (F) 'Hunting' means the pursuit of any wild animal or bird licensed and regulated under Ind. Code 14-22-11-1, or any successor provision to that statute.**

SECTION 2.

Running or being at large prohibited:

It shall be unlawful for any owner to permit or allow any dog to be at large off the dog owner's property at any place within the county.

Exceptions:

The foregoing provision shall not apply if:

- (A) the dog owner is engaged in hunting, and the dog in question has been trained to assist in hunting, and the dog's activities are being supervised by the hunter;**
- (B) in any section of a public park of the County designated as a leash free zone.**

SECTION 3. PENALTY:

Any person violating any of the provisions of this ordinance shall be deemed guilty of an infraction, and upon conviction thereof, shall be punished by a fine not exceeding \$ 500.00 and costs of prosecution or by imprisonment in the Floyd County Jail for a period not exceeding 30 days, or both such fine and imprisonment in the sole discretion of the Court.

SECTION 4. ANIMAL CONTROL OFFICERS:

Floyd County Animal Control officers may capture any dog running at large within the meaning of this ordinance.

(A) Dogs captured by Floyd County Animal Control officers shall be examined for any evidence of licensing by a resident owner, whether by tags or microchip identification. If the owner holds a dog license issued by Floyd County, the animal control officers shall make reasonable attempts to contact the owner, who will be afforded the right to claim the dog upon payment of the reasonable expenses of Floyd County Animal Control. Upon notification of the licensed owner, the owner shall have five business days to reclaim the dog.

(B) Dogs whose licensing information cannot be ascertained may be kept for any lawful purpose by Floyd County Animal Control, Any animal not claimed within three business days of its impoundment becomes the property of the Shelter and may be euthanized as permitted by applicable law.

(C) Floyd County Animal Control officers may shoot or otherwise kill any dog running at large if they reasonably determine that the dog poses an imminent threat of bodily injury to any person.

(D) Any animal deemed to be suffering with extreme pain due to possible injury or apparent disease may be humanely euthanized before the holding period has expired.

SECTION 4. ADMINISTRATIVE LIABILITY:

No officer, agent, or employee of the county shall render himself personally liable for any damage that may accrue to any person as a result of any act required or permitted in the discharge of his duties in the enforcement of this ordinance.

SECTION 5. SEVERABILITY:

This ordinance and the various parts, sections, sentences, phrases, and clauses hereof, are hereby declared to be severable. If any part, section, sentence, phrase, or clause is judged unconstitutional or invalid, it is hereby provided that the remainder of this ordinance shall not be affected thereby.

SO ORDAINED this 20th day of February, 2007.

**BOARD OF COMMISSIONERS
OF THE COUNTY OF FLOYD**

BY:

/s/ Stephen A. Bush
Member

/s/ Charles A. Freiburger
Member

/s/ D. Mark Seabrook
Member

Attest:

/s/ Teresa Plaiss
Floyd County Auditor